

REMARKS

The present amendment is in response to the Official Action mailed on October 6, 2005. Applicants have amended claims 1, 2, 4, 6, 7 and 9, canceled claim 3 and added new claim 10. Thus, claims 1, 2 and 3-9 as amended and newly presented claim 10 are now presented for consideration in view of the remarks below.

Reexamination and reconsideration of the above-identified application, and in light of the amendments and remarks that follow, are respectfully requested. Because the present claims are believed to be in condition for immediate allowance over the newly-cited combination of prior art, it is submitted that good and sufficient cause exists for the entry of this amendment in accordance with 37 C.F.R. § 1.116.

In the Official Action, the Examiner has rejected claims 1-9 under 35 U.S.C. § 103(a) as being unpatentable over previously-cited U.S. Patent No. 5,768,539 to Metz et al. ("Metz") in view of previously-cited U.S. Patent No. 6,418,421 to Hurtado et al. ("Hurtado") and newly-cited U.S. Patent No. 6,344,878 to Emura ("Emura"). Applicants disagree with the obviousness rejection but have in any event now amended the claims, and presented one additional claim, to clarify the invention over the prior art. Applicants respectfully submit that all of the claims as now presented patentably define over the purported combination of Metz, Hurtado and Emura. Support for the amendments can be found, for example, at paragraphs [0106], [0116] and [0142] of the present application.

The presently claimed invention provides a method and apparatus for controlling data recording of data received by a receiver (such as an IRD receiver) into a recording apparatus connected thereto (such as by an IEEE 1394 bus). The data received by the receiver includes content data and copyright information on digital copy restrictions of the content data.

Prior to recording, an equipment ID of the recording apparatus is acquired by the receiver, which ID indicates whether or not the recording apparatus permits recording in a format that allows or does not allow digital copy restriction processing. Based on the equipment ID, the receiver outputs the received data to the recoding apparatus if digital copy restriction processing is permitted, and while recording the received data on a predetermined recording medium associated with the recording apparatus, the copyright information is recorded in a predetermined area of the recording medium such that digital copy restriction processing is able to be conducted between the recording apparatus and another recording apparatus based on the copyright information.

Metz discloses the transmission of broadcast video programming and software, wherein the software includes executable code and can also include various combinations of data, video and audio (e.g., col. 5, lines 23-43), and is for providing additional features to the set top box (e.g., col. 1 lines 38-58). However, the software does not include copyright information on digital copy restrictions because the executable code is merely for controlling operation of set top box (e.g., col. 6, lines 2-7). Metz also does not disclose the set-top terminal controlling the recording of a recording apparatus, let alone in the specific manner claimed by the present invention.

Hurtado discloses a system for tracking usage of digital content on user devices. It does not disclose, teach or suggest acquiring an equipment ID of the recording apparatus by a receiver, wherein the equipment ID indicates whether the recording apparatus permits recording in a format which allows digital copy restriction processing, and then, based on the equipment ID, outputting the received data to the recoding apparatus if digital copy restriction processing is permitted

and causing the copyright information to be recorded in a predetermined area of the recording medium.

Finally, Emura discloses a television program recording reservation apparatus for addressing the problem of having overlapping recording reservations. Emura is not directed to the subject matter of the present claims; namely, controlling the recording a recording apparatus by a receiver based on the receiver determining if the recording apparatus allows for digital copy restriction processing through use of an equipment ID ascertained by the receiver. Nor does Emura resolve any of the deficiencies of either Metz or Hurtado, alone or combined, with respect to the features of the claimed invention. Further, the Examiner does not explain how Emura is actually relied upon in the rejection of the claims although Emura is broadly discussed at pages 4, 6 and 8-9 of the Official Action. (Note that it is not stated in the Official Action what elements disclosed in Emura are being combined with the other prior art or why, as there is only a general description of Emura provided.) However, even if there are typographical errors in the Official Action such that the Examiner meant to write that it would have been obvious to apply the "technique of Emura" to the alleged modified system of Hurtado and Metz, such "technique" of addressing the problem of overlapping recording reservations does not, in combination with Hurtado and Metz, produce or suggest the presently claimed invention.

Therefore, it is submitted that the presently claimed invention would not have been obvious in view of the proposed combination of prior art.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue.

Application No.: 10/694,458

Docket No.: SONYJP 3.0-079 DIV

If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that he telephone applicants' attorney at (908) 654-5000 in order to overcome any additional objections which he might have.

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

Dated: January 6, 2006

Respectfully submitted,

By 

Jonathan A. David

Registration No.: 36,494

LERNER, DAVID, LITTENBERG,

KRUMHOLZ & MENTLIK, LLP

600 South Avenue West

Westfield, New Jersey 07090

(908) 654-5000

Attorney for Applicants

620946_1.DOC